

TUESDAY, JUNE 18, 1985

FIFTY-FOURTH LEGISLATIVE DAY

Pursuant to Senate Joint Resolution No. 101, the House met at 12:00 o'clock noon and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Thomas E. Sweeney, Pastor, South Inglewood First Baptist Church, Nashville, Tennessee.

Representative Love led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 96

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

The Speaker announced that Representative Dana Moore was excused because of a previous commitment.

The Speaker announced that Representative Pruitt was excused because of illness.

NEW REPRESENTATIVE PRESENTED

The Speaker presented the Honorable Barton A. Hawkins who was

elected on June 4, 1985 to fill the vacancy created by the death of Mr. Frank Bob Percy, State Representative from the Fourth Representative District.

CERTIFICATION OF GENERAL ELECTION RETURNS

Held

JUNE 4, 1985

For

STATE REPRESENTATIVE DISTRICT 4

We, the undersigned, Lamar Alexander, Governor of the State of Tennessee; W. J. Michael Cody, Attorney General, State of Tennessee; and Gentry Crowell, Secretary of State, State of Tennessee, having received and compared the returns of the general election for State Representative, Fourth District, held on June 4, 1985 for the State of Tennessee and having ascertained the person receiving the highest number of votes in the election, do hereby certify that the attached compilation is a true and correct copy of the name of the duly elected candidate.

Witness, our hands and the Great Seal of the State of Tennessee which is directed by the Governor to be affixed hereto by the Secretary of State, this 18th day of June, in the year of our Lord, Nineteen Hundred Eighty Five.

OATH OF OFFICE

The Speaker administered the Oath of Office to Representative Hawkins.

COMMITTEE APPOINTMENT

The Speaker announced that he had appointed Representative Hawkins as a member of the Committees on Conservation and Environment and Transportation.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

280--Relative to study, indigent health care.

The Senate lifted the tabling motion, reconsidered adoption of the resolution, reconsidered adoption of Amendment No. 1, withdrew

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Amendment No. 1, then reconcurred in the resolution.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

Mr. Webb moved that House Bill No. 1133 be re-referred to the Committee on Conservation and Environment, which motion prevailed.

UNFINISHED BUSINESS

Representative Gill moved that action on House Bill No. 860 be deferred until tomorrow, which motion prevailed.

Mr. Gill moved that the rules be suspended in order to consider House Bill No. 1136, which motion prevailed.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 860--Burnett

House Bill No. 1137--Bragg

REPORT OF DELAYED BILLS COMMITTEE

The undersigned members of the Delayed Bills Committee have approved the following bills: House Bills Nos. 1136 and 1137.

Representative Ned R. McWherter

Representative Jimmy Naifeh

Representative James M. Henry

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 409--Relative to congratulating St. George Greek Orthodox Church--By Peroulas, Drew, Severance, Davis (Knox), May, Scruggs and Miller.

House Resolution No. 76--Relative to commending Mrs. Sue Stone --By McAfee.

House Joint Resolution No. 410--Relative to commending Colonel Phillip J. Conran--By Murray and Rhinehart.

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House Joint Resolution No. 411--Relative to honoring Dr. W. C. Crowder--By Swann.

House Resolution No. 77--Relative to honoring Joe Claxton--By Ridgeway.

House Joint Resolution No. 412--Relative to honoring Mt. Nebo Missionary Baptist Church--By Love.

House Resolution No. 78--Relative to honoring Billy O. Williams --By Ridgeway and Ivy.

House Joint Resolution No. 413--Relative to congratulating Kimberly Faye Payne--By West.

House Joint Resolution No. 414--Relative to congratulating General Charles "Joe" Gebhardt--By West.

House Joint Resolution No. 415--Relative to congratulating Don Curry and Patti Gibson--By Wix.

House Joint Resolution No. 416--Relative to honoring Anthony Peter Cappiello--By McNally.

House Joint Resolution No. 417--Relative to memory, John Cecil Holt--By McNally.

House Joint Resolution No. 418--Relative to commending Frances Lucinda Todd--By Bragg.

House Joint Resolution No. 419--Relative to commending Sue Perks--By Moore (Shelby).

House Joint Resolution No. 420--Relative to honoring Homer G. Moss--By Ellis and McNally.

House Joint Resolution No. 421--Relative to commending Dr. L. Quentin Lane--By Bivens, Duer, Copeland, Turner (Hamilton), Robinson (Hamilton), Webb, McAfee, Wood, Rhinehart, Harrill and Starnes.

House Joint Resolution No. 422--Relative to commending Colonel Roy R. Willis--Hurley, Montgomery and Yelton.

House Resolution No. 81--Relative to honoring Coach Charlie Baxter--By Whitson.

House Joint Resolution No. 423--Relative to honoring Herman Anthony Powell--by DeBerry.

House Joint Resolution No. 424--Relative to congratulating Reverend Charles E. Winfrey, Sr.--By Love.

House Joint Resolution No. 425--Relative to honoring Edward L.

Graves--By Love.

Mr. Ellis moved that all the above congratulatory resolutions be adopted, which motion prevailed.

A motion to reconsider was tabled.

Mr. DePriest moved that the rules be suspended for the immediate consideration of House Bill 1134, which motion prevailed.

Hosue Bill No. 1134--To amend Chapter 585, Private Acts, 1945.

On motion, House Bill No. 1134 was made to conform with Senate Bill No. 1114.

On motion, Senate Bill No. 1114, on same subject, was substituted for House Bill No. 1134.

Mr. DePriest moved that Senate Bill No. 1114 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

RULES SUSPENDED

Mr. Bragg moved that House Rule No. 48 be suspended in order to consider House Bill No. 616, which motion prevailed.

NOTICE TO OVERRIDE VETO

MR. SPEAKER: I hereby file notice under House Rule No. 78 that I plan to move House Bill No. 1045 for passage, notwithstanding the

objections of the Executive.

Representative David L. Ussery

Representative Stan D. Darnell

Under the rules, the notice lies over.

NOTICE TO OVERRIDE VETO

MR. SPEAKER: I hereby file notice under House Rule No. 78 that I plan to move House Bill No. 1042 for passage, notwithstanding the objections of the Executive.

Representative Stan D. Darnell

Under the rules, the notice lies over.

NOTICE TO OVERRIDE VETO

MR. SPEAKER: I hereby file notice under House Rule No. 78 that I plan to move House Bill No. 1087 for passage, notwithstanding the objections of the Executive.

Representative Stan D. Darnell

Under the rules, the notice lies over.

Mr. Darnell requested that his notices to override on House Bills Nos. 1042 and 1087 be withdrawn, which request was granted.

NOTICE TO OVERRIDE VETO

MR. SPEAKER: I hereby file notice under House Rule No. 78 that I plan to move House Bill No. 766 for passage, notwithstanding the objections of the Executive.

Representative S. Thomas Burnett

Under the rules, the notice lies over.

RULES SUSPENDED

Mr. Bragg moved that House Rule No. 48 be suspended in order that House Bill No. 1137 be passed on second consideration and held on the Clerk's Desk and for consideration on tomorrow's Calendar which motion prevailed.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

190--Relative to designating Drue Smith, "Reporter Laureate of the General Assembly and Capitol Hill Press Corps", adopted for concurrence.

Clyde W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Naifeh moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 190 out of order, which motion prevailed.

Senate Joint Resolution No. 190--Relative to designating Drue Smith "Reporter Laureate of the General Assembly and Capitol Hill Press Corps".

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Naifeh moved that Senate Joint Resolution No. 190 be concurred in, which motion prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--99.

A motion to reconsider was tabled.

SECOND ROLL CALL

A roll call was taken with the following results:

Present	97
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Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia,

Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

Mr. Starnes moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 183 out of order, which motion prevailed.

On motion, the rules were suspended for the immediate consideration of the resolution.

Senate Joint Resolution No. 183--Relative to study, selection of nuclear waste disposal sites.

Mr. Starnes moved that Senate Joint Resolution No. 183 be concurred in.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Joint Resolution No. 183 by deleting from the caption the word "disposal" and by substituting instead the words "storage facility".

AND FURTHER AMEND by deleting the fourth clause of the preamble in its entirety and by substituting instead the following:

WHEREAS, the development of a monitored retrievable storage facility may alleviate the pressure to develop a working geologic permanent repository by 1998 as mandated by federal law; and

AND FURTHER AMEND by deleting from the first resolving clause the words "waste disposal" and by substituting instead the words "storage facility".

On motion, the amendment was adopted.

Thereupon, Senate Joint Resolution No. 183, as amended, was concurred in by the following vote:

Ayes	89
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Brewer,

Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

Representative present and not voting was: Bragg--1.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTION

House Resolution No. 75--Relative to study, indigent health care--By Starnes.

The Speaker referred House Resolution No. 75 to the committee on General Welfare.

Mr. Copeland moved that the rules be suspended for the purpose of introducing House Resolution No. 79 out of order, which motion prevailed.

House Resolution No. 79--Relative to creating Legislative Oversight Committee on Communications--By Copeland.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Copeland, the resolution lies on the Clerks Desk.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

SENATE BILL ON FIRST CONSIDERATION

Senate Bill No. 229--To regulate amusement tax exemptions.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1135--To make certain provisions, cosmetology.

Passed second consideration and referred to Committee on Labor

and Consumer Affairs.

House Bill No. 1136--To amend the 1985 Appropriations Act.

Passed second consideration and referred to Committee on Judiciary.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

495--To provide for reporting and treatment, child sexual abuse.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolutions Nos. 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424 and 425; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

LOCAL BILL TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bill, having received authorization for passage by the local legislative delegation, was transmitted to the Committee on Calendar and Rules: House Bill No. 125.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill on the Consent Calendar for Wednesday, June 19, 1985: House Bill No. 125.

GILL, Chairman.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

28--Relative to continuing special committee, soil erosion;

235--Relative to continuing study, Uniform Administrative Procedures Act;

348--Relative to study, funding for programs serving mentally retarded; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1130--To amend Chapter 776, Private Acts 1947; substituted for Senate Bill on same subject amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

191--Relative to commending Dr. Roy Sullivan Nicks;

192--Relative to commending Joe M. Rodgers;

193--Relative to congratulating Mitsuka Igarashi;

194--Relative to memory, Mrs. J. O. Patterson;

195--Relative to honoring John Hay Elementary School;

196--Relative to honoring Darlene Walker Schlicher; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate

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Joint Resolution No. 190; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Joint Resolution No. 190.

On motion of Mr. Naifeh, the House adjourned until 12:00 o'clock noon tomorrow.